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RESPONSE UNDER 37 CFR §1.111 Examining Group 1638 Patent Application Docket No. CIB-T100XC1 Serial No. 09/685,403

Amy Nguyen, Legal Assistant

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner

David H. Kruse

Art Unit

1638

Applicants

Peter R. Beetham, Patricia L. Avissar, Keith A. Walker, Richard A. Metz

Serial No.

09/685,403

Filed:

October 10, 2000

Confirm. No.:

4644

For

Non-Transgenic Herbicide Resistant Plant

Drawing Review Branch Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

SUBMISSION OF FORMAL DRAWINGS

Sir:

Submitted herewith please find 14 sheets of formal drawings (Figs. 1-7). The Examiner is respectfully requested to acknowledge receipt of these formal drawings.

The submitted drawings are now all on the same size paper and are believed to obviate the informalities indicated on Form PTO-948 attached to the Office Action mailed June 3, 2003.

Respectfully submitted,

John M. Sanders

Patent Attorney

Registration No. 30,126

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JS/an

Attachments: 14 sheets of formal drawings

Title: Non-Transgenic Herbicide Resistant Plant Inventor(s): Beetham *et al.* Application No.: 09 685,403 Sheet 1 of 14



DNA sequence:

[transit peptide start]

ATGGCGCAAGTTAGCAGAATCTGCAATGGTGTGCAGAACCCATCTCTTAŢCTCCAATCTCTCGAAATCCAGTCAACGCA AATCTCCCTTATCGGTTTCTCTGAAGACGCAGCAGCATCACGAGCTTATCCGATTTCGTCGTCGTGGGGATTGAAGAA GAGTGGGATGACGTTAATTGGCTCTGAGCTTCGTCCTCTTAAGGTCATGTCTTCTGTTTCCACGGCGGAG

[mature peptide starts]

AAAGCGTCGGAGATTGTACTTCAACCCATTAGAGAAATCTCCGGTCTTATTAAGCTTCCTGGCTCCAAGTCTCTATCAA ATCGGATCCTGCTTCTCGCTGTCTGAGGTATATATCACTTCGTTTCGTCCTTCTCTGTAATCTGAACTTAGATT ATAAAGATTGATACTTTACCATTTTGCTGTGGTTTTATAGGGAACAACTGTAGTGGACAACTTGTTGAATAGCGATGAC ATCAATTACATGCTTGATGCGTTGAAGAGATTGGGACTTAATGTGGAAACTGACAGTGAAAATAATCGTGCTGTAGTTG AAGGATGTGGCGGGATATTCCCAGCTTCCATAGATTCAAAGAGTGATATCGAACTTTACCTCGGTAATGCAGGAACAGC AATGCGTCCACTTACCGCTGCGGTCACTGCTGCAGGTGGAAACGCAAGGTAGATTGAAGGAGTTGATGCTTCTTGGTAT ATGAGAGAAAGACCTATAGGGGATTTGGTTGTTGGTCTTAAGCAGCTTGGTGCTGATGTTGAATGTACTCTTGGAACTA ACTGCCCTCCTGTTCGTGTCAACGCTAATGGTGGCCTTCCCGGTGGAAAGGTTAGATCTTGCAAATGGCATGTGAATAT GTAATCTCGTTCCTTACTCTATGAACACTTGCAGAAATGTGTGTTCATCATAGCCTTAGCTTGACAAGATTTCAGTTTT GTATGATTTCTTGATTAACAATTAGGAGACATGTTATGCATTTGCAGGTGAAGCTTTCTGGATCAATTAGTAGTCAGTA CCATATGTTGAAATGACATTGAAGTTGATGGAACGTTTCGGGGTTAGTGTCGAGCATAGTGATAGCTGGGATCGTTTCT TTGTCAAGGGCGGCCAAAAATACAAGTAGGAGTTATTCTTTTCTTCTTCTTGAAATCACATCCCTTAGCTTGACAAT ATAATGACTAAAAGGTGAATGATTCAGGTCTCCGGGTAATGCGTATGTAGAAGGTGATGCTTCTAGTGCATGTTATTTC ${\tt ACTGAATCATCGACGAGGCTGTTAAGTTTATAGTGAAATTCGTCTAGGTCAAAGTTTCATCTTTTGACAAGTTGTATAT}$ AACATATTCGCAAGATTCTAAGCTCAATTTTTGTGATGAATCTCTAGGGAGATGTAAAATTCGCCGAGGTCCTTGAGAA AATGGGATGTAAAGTGTCCTGGACAGAGAACAGTGTGACTGTGACAGGACCACCTAGAGATGCTTTTTGGAATGAGACAC TTGCGGGCTATTGATGTCAACATGAACAAAATGCCTGATGTAGCCATGACCCTTGCCGTCGTTGCTCTTTTGCTGACG GTCCAACCACTAGAGATGGTAAGTAAAAAGCTCTCTCTTATAATTAAGGTTTCTCAATATTCATGATCACTTAATT $\verb|CTGTTTGGTTAATATAGTGGCTAGCTGGAGAGTAAAGGAGACAGAAAGGATGATTGCCATTTGCACAGAGCTTAGAAAA||$ GTAAGAGATTCTTATCTCTCTCTTCTGTCTCTTGACAGTGCTCATTCTAAGTAATTAGCTCATAAATTTGTGTGTTTTG TGTTCAGCTGGGAGCTACAGTGGAAGAGGTTCAGATTATTGTGTGATAACTCCGCCCAAAAAGGTGAAAACGGCAGAG ATTGATACATATGATGATCATAGAATGGCAATGGCATCTCTCTTTGCAGCTTGTGCTGATGTTCCAATCACCATCAACG ACTCTGGTTGCACCAGGAAAACCTTCCCCGACTACTTCCAAGTACTTGAAAGAATCACAAAGCACTAAacaataaactc tgttttttcttctgatccaagctt

Title: Non-Transgenie Herbicide Resistant Plant

Inventor(s): Beetham et al.
Application No: 09 685,403

PE Sheet 2 of 14

SEP 0 8 7003

Protein sequence:

MAQVSRICNGVQNPSLISNLSKSSQRKSPLSVSLKTQQHPRAYPISSSWGLKKSGMTLIGSELRPLKVMSSVSTAE KASEIVLQPIREISGLIKLPGSKSLSNRILLLAALSEGTTVVDNLLNSDDINYMLDALKRLGLNVETDSENNRAVV EGCGGIFPASIDSKSDIELYLGNAGTAMRPLTAAVTAAGGNASYVLDGVPRMRERPIGDLVVGLKQLGADVECTLG TNCPPVRVNANGGLPGGKVKLSGSISSQYLTALLMSAPLALGDVEIEIVDKLISVPYVEMTLKLMERFGVSVEHSD SWDRFFVKGGQKYKSPGNAYVEGDASSACYFLAGAAITGETVTVEGCGTTSLQGDVKFAEVLEKMGCKVSWTENSV TVTGPPRDAFGMRHLRAIDVNMNKMPDVAMTLAVVALFADGPTTIRDVASWRVKETERMIAICTELRKLGATVEEG SDYCVITPPKKVKTAEIDTYDDHRMAMAFSLAACADVPITINDSGCTRKTFPDYFQVLERITKH

FIG. 1B



Arabidopsis thaliana wild type sequence:

Position	173	174	175	176	177	178	179	180	181	182	183
	L	G	N	A	G	\boldsymbol{T}	A	M	R	P	$oldsymbol{L}$
	CTC	GGT	AAT	GCA	GGA	ACA	GCA	ATG	CGT	CCA	CTT
	Ara	bidoj	psis t	halia	ına n	nutar	it sec	uenc	es:		
Name					-				-		
A ₁₇₇	CTC	GGT	AAT	GCA	GCA	ACA	GCA	ATG	CGT	CCA	CTT
	L	G	N	A	A	\boldsymbol{T}	A	M	R	P	L
I ₁₇₈	CTC	GGT	AAT	GCA	GGA	ATA	GCA	ATG	CGT	CCA	CTT
	L	G	N	A	I	T	A	M	R	P	$oldsymbol{L}$
$A_{177}I_{178}$	CTC	GGT	AAT	GCA	GCA	ATA	GCA	ATG	CGT	CCA	CTT
	L	G	N	A	A	I	A	M	R	P	${m L}$
$I_{178}S_{182}$	CTC	GGT							CGT		CTT
	L	G	N	A	G	I	A	M	R	$\boldsymbol{\mathcal{S}}$	\boldsymbol{L}
$A_{177}S_{182}$		GGT									
	L	G	N	A	A	T	A	M	R	$\boldsymbol{\mathcal{S}}$	$oldsymbol{L}$
$A_{177}I_{178}S_{182}$		GGT									
	L	G	N	A	A	I	A	M	R	S	L
V C	ama	GGT	3 3 177	a a.	CCA	CIM 3	CON	3 000	aam	max.	amm
$V_{178}S_{182}$	L	GGI	N AA1	A	GGA	V	A	M	R	S	L
	ъ	G	14	A	G	V	A	141	А	۵	ע
L ₁₇₈ S ₁₈₂	כידיכי	GGT	ידעע	GCA	GGA	מידים	CCA	λTC	ССТ	тсь	СФФ
21/82182	L	G	N	A	G		A	M	R	s	L
	~	Ū	••	••	•	_	••		••	-	_
$A_{177}V_{178}$	CTC	GGT	AAT	GCA	GCA	GTA	GCA	ATG	CGT	CCA	CTT
A11 - 110	L	G	N	A	A	v		M	R	P	L
	_	-				•				-	_
A ₁₇₇ L ₁₇₈	CTC	GGT	AAT	GCA	GCA	TTA	GCA	ATG	CGT	CCA	CTT
	L	\boldsymbol{G}	N	A	A	L	A	M	R	P	L

Title: Non-Transgenic Herbicide Resistant Plant Inventor(s): Beetham et al. Application No.: 09 685,403 Sheet 4 of 14

OIPE

SEP 0 8 5003

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143) 143 134) TTT 128) 134) (5)	CGT GFF C	180 (170 (180 (170 (180 (180 (180 (180 (180 (180 (180 (18	180 COMPTE	TAA T	190 CAAALT CGAALT CGAALT TCTGAG	200 21
(214) 214 (205) TTG (193) TTG (13) T TTG (13)	(205) 14 220 230 (205) 17GT 7 7 7 7 7 7 7 7 1 1 1 1 1 1 1 1 1 1 1	240 Company ACCOMPANY ACCOMPANY GAGAAAAGC	250 GE 6 1 A 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	A TIG	A T G A TOTAL CALCEGE A TOTAL CALCEGE A TOTAL CALCEARGAGAT CT CCGG A TOTAL CALCEARGAGAT CT CCGG A TOTAL CALCEARGAGAT CT	270 crccggagagagagagagagagagagagagagagagagag

Title Non-Transgenic Herbicide Resistant Plant Inventor(s): Beetham *et al*. Application No.: 09 685,403 Sheet 5 of 14

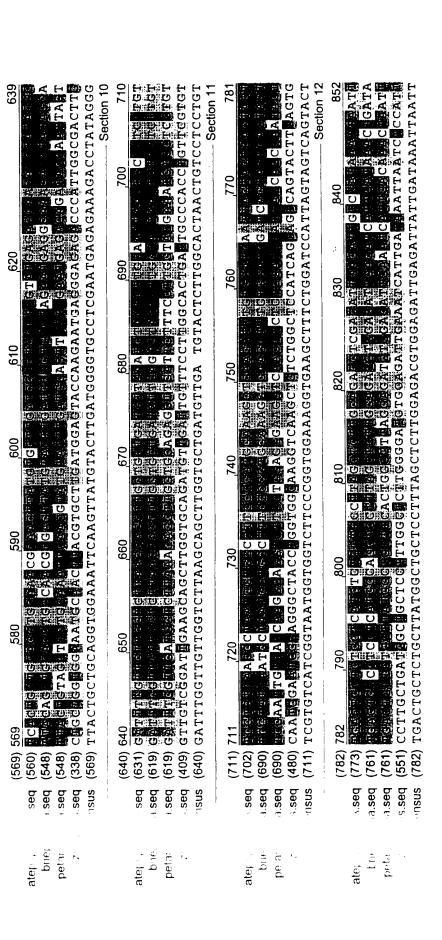
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(265) 285 290 300 310 (276) FTER TOTAL CAREER CAREER TOTAL CAREER CARE	330 Corcerence	400 410	470 SEA GC 40 FE	540 550 c.
(276) 285 290 300 (276) ETHER OF THE CONTROL (264) ENTIRE ATTERNATE CONTROL (264) ENTROL (264) ENTROL (264) ENTROL (265) TATTANGCT GOTT CONTROL (285) TATTANGCT GOTT CONTROL (285) ENTROL (287) AND CONTROL (287) AND AND AND AND AND AND AND CONTROL (267) TANAGAGGAN TICCANGCT CONTROL (287) AND	310 FHALLANDER THALLERAND AAGGGATCE CTCTC AATC	CGC TO A CONTROLL OF THE CONTROL OF THE CONTRO	460 Gradin Gradin Gradin Gradin	
(265) 285 (264) CPT (264) CPT (264) GCT (264) GCT (285) TAT (285) TAT (335) CTG (335) CTG (356) CTG (406) CAT (498) 498 (489) CAT (489) CAT (480) CAT (480) CAT (480) CAT (480) CAT (480)	300 ICCALIFE CAAGEGG		440	510 A T A T GCAGCEC
	285 COT GCT GCT TAT	347) TGINGTON 335) TGINGTON 335) TGINGTON 128) TTGATAAC 356) CTGTAGTG	427) 427 418) MAIGERECH 406) MCGERECH 406) CMIGERECH 199) GAAGCINGA 427) AATGTGGA	498) 498 477) 477) 483 493 498) AGATTCCA
	1 i			

Title: Non-Transgenic Herbicide Resistant Plant Inventor(s): Beetham et al. Application No.: 09 685,403 Sheet 6 of 14

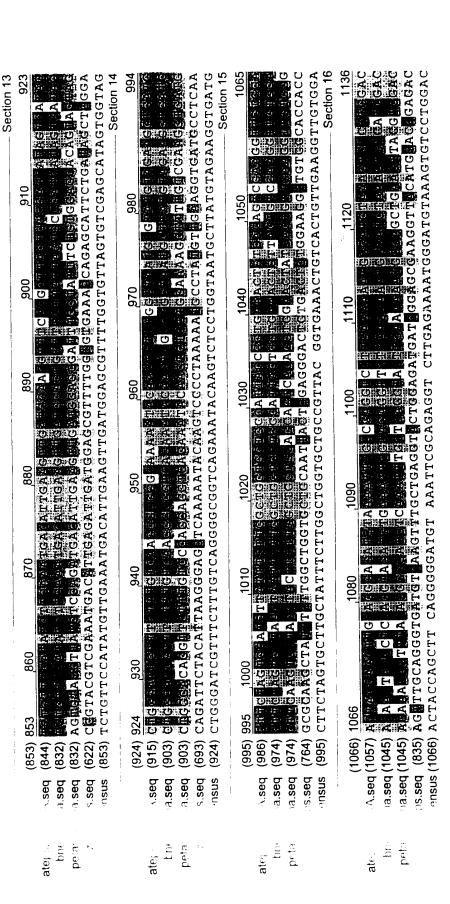
Section 9





Title: Non-Transgenic Herbicide Resistant Plant Inventor(s): Beetham *et al.* Application No.: 09 685,403 Sheet 7 of 14





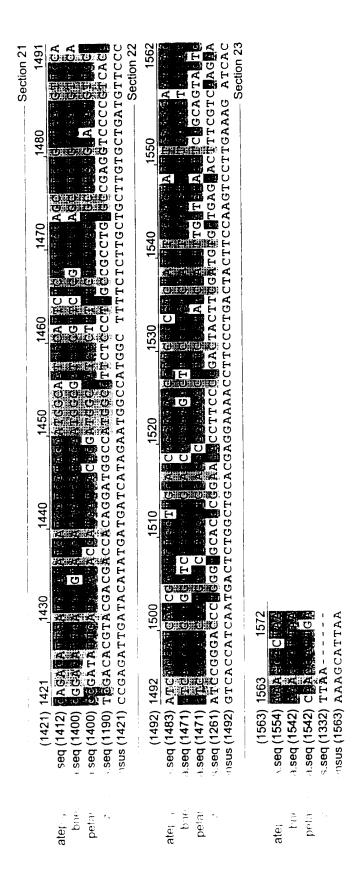
Title: Non-Transgenic Herbicide Resistant Plant Inventor(s): Beetham et al. Application No.: 09 685,403 Sheet 8 of 14

Section 17



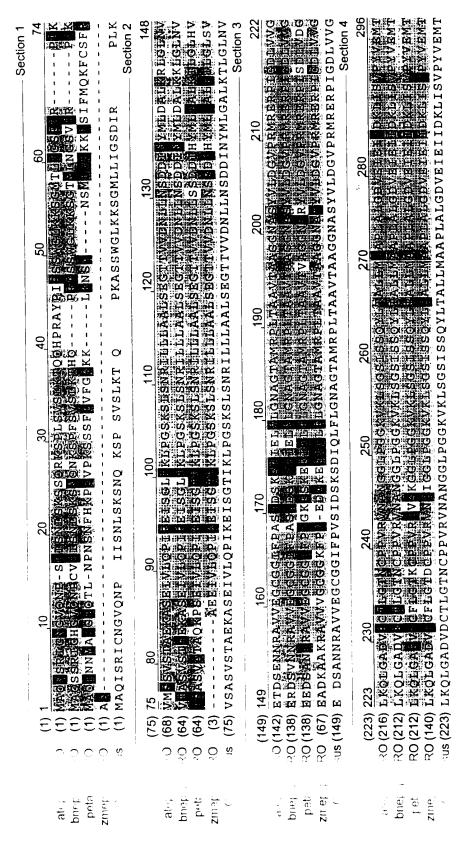
1207 ATT ATT ATT A TT A TT A TT A TT A TT	1278 GENACE GENACE GENACE CCCACC	1349 A Section 20	1420 CEEE
GG TA	1278 Control	GCTAAC	1410 TOTAL TACTAR TOTAL TAGGTGA
1207 1190 1190 1206	1260 The second	1320 1330 1349	1400 TATO TATO TATO TATO TATO TATO TATO TA
GACCTC.	1250 1260 CETC 126 TATE TO TE	13 CANCOLOGICAL COLOGICAL COLOGICA COLOGICAL COLOGICA COLOGI	1400 He A CLECKA CCCCCA
1180 CTTTTGGAATGA	1250 CG CC CG CC T G C CC CT CT G T G T T G T T G T T G T T G T T G T T G T	1320 A	1390 CALALIC CAC CCG
1160 1170 1180 1190 The second of the secon	1240 1250 1250 1250 1250 1250 1250 1250 125	1310 1320 A CHAR A CHAR CHAR CHAR CHAR CHAR CHAR C	1370 ,1380 ,1390 ,14
O TO THE STATE OF	12 TRECONTROL GAGTCTTG AGCCATGA(A H D B H B B B B B B B B B B B B B B B B	1380 Garana Garana Garana
1160	1220 1230	1300 The Tenner The Tenner Che Jenner GGREAGTARAG	1370 6 76 76 4666CCG
1150 The Guerra Cheasing The Geco		S + 0	O A CC GAGGA TACAGT
TAGE OF THE TAGE TO THE TAGE TAGE TAGE TAGE TAGE TAGE TAGE TAG	TCAACH CA TCAACH CA TCAACH CA TCAACAGAATGC TGAACATGAACA	1279 12 12 12 12 12 12 12 12 12 12 12 12 12	AND TO THE TO TH
1137 Keine Delice TAGCG AGAGA	1208 TCAAC TCAAC TAAAC TGAAC	1279 CECM GETER GGAGA ACCAT	1350 ALANA ALANA ALANA AGGAGGAGGAGG
seq (1137) seq (1128) seq (1116) seq (1116) seq (906)	(1208) seq (1199) seq (1187) seq (1187) siseq (977) msus (1208)	(1279) v.seq (1270) a.seq (1258) a.seq (1258) s.seq (1048) ensus (1279)	A.seq (1341) A.s.A. T.G. 136 A.seq (1329) A.s.A. T.G. 16 A.seq (1329) A.s.A. T.G. 16 S.seq (1119) AGGAGC TCTET
bne petar	<u>≠</u> 6 1	- E - E	<u>.</u> 4
ater bi	ater b pe	ater tri pet	ate





Title: Non-Transgenic Herbicide Resistant Plant Inventor(s): Beetham et al. Application No.: 09 685,403 Sheet 10 of 14

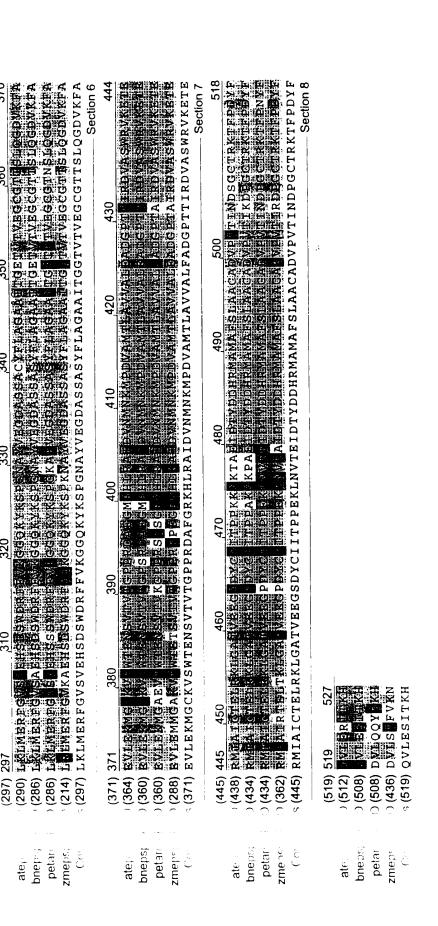




Title Non-Transgeme Herbicide Resistant Plant Inventor(s): Beetham et al. Application No.: 09 685,403 Sheet 11 of 14

Section 5





SEP 0 8 7000 HOTEL

Oligo Name Oligo Sequence (5'→3')

ATEPS-A ₁₇₇	$\tt CGTTTCCAC\underline{CTGCAG}CAGTGACCGCAGCGGTAAGTGGACGCATTGCTGTTGCTGCATTACCGAGGGTAAGTGGACGCATTGCTGTTGCTGCTGCTGCATTACCGAGGGTAAGTGGACGCATTGCTGTTGCTGCTGCATTACCGAGGGTAAGTGGACGCATTGCTGTTGCTGCTGCTGCATTACCGAGGGTAAGTGGACGCATTGCTGTTGCTGCTGCTGCATTACCGAGGGTAAGTGGACGCATTGCTGTTGCTGCTGCTGCATTACCGAGGGTAAGTGGACGCATTGCTGTTGCTGCTGCTGCATTACCGAGGGTAAGTGGACGCATTGCTGCTGCTGCTGCATTACCGAGGGTAAGTGGACGCATTGCTGCTGCTGCTGCATTACCGAGGTAAGTGGACGCATTGCTGCTGCTGCTGCATTACCGAGGTAAGTGGACGCATTGCTGCTGCTGCTGCATTACCGAGGTAAGTGGACGCATTGCTGCTGCTGCTGCTGCTGCATTACCGAGGTAAGTGGACGCATTGCTGCTGCTGCTGCTGCTGCTGCTGCTGCTGCTGCTGC$
ATEPS-AI	$\tt CGTTTCCACCTGCAGCAGTGACCGCAGCGGTAAGTGGACGCATTGCTATTGCTGCATTACCGAGGGTAAGTGGACGCATTGCTATTGCTGCATTACCGAGGGTAAGTGGACGCATTGCTATTGCTGCATTACCGAGGGTAAGTGGACGCATTGCTATTGCTGCATTACCGAGGGTAAGTGGACGCATTGCTATTGCTGCATTACCGAGGGTAAGTGGACGCATTGCTATTGCTGCATTACCGAGGGTAAGTGGACGCATTGCTATTGCTGCATTACCGAGGGTAAGTGGACGCATTGCTATTGCTGCATTACCGAGGGTAAGTGGACGCATTGCTATTGCTGCATTACCGAGGGTAAGTGGACGCATTGCTATTGCTGCATTACCGAGGGTAAGTGGACGCATTGCTATTGCTGCATTACCGAGGACGCATTGCTATTGCTGCATTACCGAGGACGCATTGCTATTGCTGCATTACCGAGGACGCATTGCTATTGCTGCATTACCGAGGACGCATTGCTATTGCTGCATTACCGAGGACGCATTGCTATTGCTGCATTACCGAGGACGCATTGCTATTGCTGCATTACCGAGGACGCATTGCTATTGCTATTACCGAGGACGCATTGCTATTACCGAGGACGCATTGCTATTACCGAGGACGCATTGCTATTACCGAGAGACGCATTACCGAGAGACGCATTACCAGAGACGACAACAACAACAACAACAACAACAACAACA$
ATEPS-IS	$\texttt{CGTTTCCAC} \underline{\texttt{CTGCAG}} \\ \texttt{CAGTGACCGCAGCGGTAAGTGA} \\ \texttt{CGCATTGCTATTCCTGCATTACCGAG} \\$
ATEPS-AS	$\tt CGTTTCCAC\underline{CTGCAG}CAGTGACCGCAGCGGTAAGTGACGCATTGCTGTTGCTGCATTACCGAG$
ATEPS-AIS	$\texttt{CGTTTCCAC} \underline{\texttt{CTGCAG}} \\ \texttt{CAGTGACCGCAGCGGTAAGTGA} \\ \texttt{CGCATTGCTATTGCTGCATTACCGAG} \\$
ATEPS-I ₁₇₇	$\tt CGTTTCCACCTGCAGCAGTGACCGCAGCGGTAAGTGGACGCATTGCTGTTATTGCATTACCGAGGGTTAGTGGACGCATTGCTGTTATTGCATTACCGAGGGGTTAGTGGACGCATTGCTGTTATTGCATTACCGAGGGGTTAGTGGACGCATTGCTGTTATTGCATTACCGAGGGGTTAGTGGACGCATTGCTGTTATTGCATTACCGAGGGGTTAGTGGACGCATTGCTGTTATTGCATTACCGAGGGTTAGTGGACGCATTGCTGTTATTGCATTACCGAGGGTTAGTGGACGCATTGCTGTTATTGCATTACCGAGGGTTAGTGGACGCATTGCTGTTATTGCATTACCGAGGGTTAGTGGACGCATTGCTGTTATTGCATTACCGAGGGTTAGTGGACGCATTGCTGTTATTGCATTACCGAGGGTTAGTGGACGCATTGCTGTTATTGCATTACCGAGGGTTAGTGACGAGGGTTAGTGACGAGGGTTAGTGACGAGGGTTAGTGAGTG$
ATEPS-VS	$\tt CGTTTCCAC\underline{CTGCAG}CAGTGACCGCAGCGGTAAGTGAACGCATTGCTACTCCTGCATTACCGAGGGGTAAGTGAACGCATTGCTACTCCTGCATTACCGAGGGGTAAGTGAACGCATTGCTACTCCTGCATTACCGAGGGGTAAGTGAACGCATTGCTACTCCTGCATTACCGAGGGGTAAGTGAACGCATTGCTACTCCTGCATTACCGAGGGGTAAGTGAACGCATTGCTACTCCTGCATTACCGAGGGGTAAGTGAACGCATTGCTACTCCTGCATTACCGAGGGGTAAGTGAACGCATTGCTACTCCTGCATTACCGAGGGGTAAGTGAACGCATTGCTACTCCTGCATTACCGAGGGGTAAGTGAACGCATTGCTACTCCTGCATTACCGAGGGGTAAGTGAACGCATTGCTACTCCTGCATTACCGAGGGGTAAGTGAACGCATTGCTACTCCTGCATTACCGAGGGGTAAGTGAACGCATTGCTACTCCTGCATTACCGAGGGGTAAGTGAACGCATTGCTACTCCTGCATTACCGAGGGGTAAGTGAACGCATTGCTACTCCTGCATTACCGAGGGGTAAGTGAACGCATTGCTACTCTGCATTACCGAGGGTAAGTGAACGCATTGCTACTCTGCATTACCGAGGGTAAGTGAACGCATTGCTACTCTGCATTACCGAGGGTAAGTGAACGCATTGCTACTCTACTACTCTGCATTACCGAGGGTAAGTGAACGCATTACCTACTACTACTACTACTACTACTACTACTACTAC$
ATEPS-LS	$\texttt{CGTTTCCAC} \underline{\texttt{CTGCAG}} \\ \texttt{CAGTGACCGCAGCGGTAAGTGAACGCATTGCTAATCCTGCATTACCGAG}$
ATEPS-AV	$\tt CGTTTCCACCTGCAGCAGTGACCGCAGCGGTAAGTGGACGCATTGCTACTGCTGCATTACCGAGGCGTAAGTGGACGCATTGCTACTGCTGCATTACCGAGGCGGTAAGTGGACGCATTGCTACTGCTGCATTACCGAGGCGGTAAGTGGACGCATTGCTACTGCTGCATTACCGAGGACGCATTGCTACTGCTGCATTACCGAGGACGCATTGCTACTGCTGCATTACCGAGGACGCATTGCTACTGCTGCATTACCGAGGACGCATTGCTACTGCTGCATTACCGAGGACGCATTGCTACTGCTGCATTACCGAGGACGCATTGCTACTGCTGCATTACCGAGGACGCATTGCTACTGCTGCATTACCGAGGACGCATTGCTACTGCTGCATTACCGAGGACGCATTGCTACTGCTGCATTACCGAGGACGCATTGCTACTGCTGCATTACCGAGGACGCATTGCTACTGCTGCATTACCGAGGACGCATTGCTACTACTGCTACTACTGCTACTACTACTACTACTACTACTACTACTACTACTACTAC$
ATEPS-AL	CGTTTCCACCTGCAGCAGTGACCGCAGCGGTAAGTGGACGCATTGCTAATGCTGCATTACCGAG

Title: Non-Transgenic Herbicide Resistant Plant Inventor(s): Beetham *et al.* Application No.: 09 685,403 Sheet 13 of 14



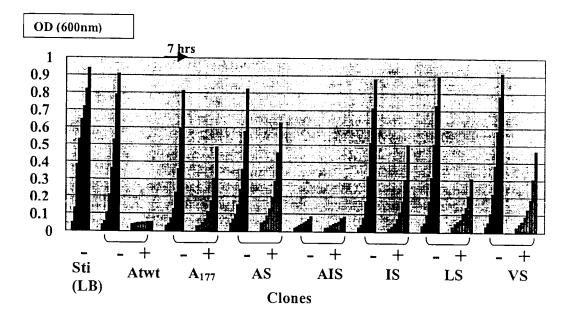


FIG. 6

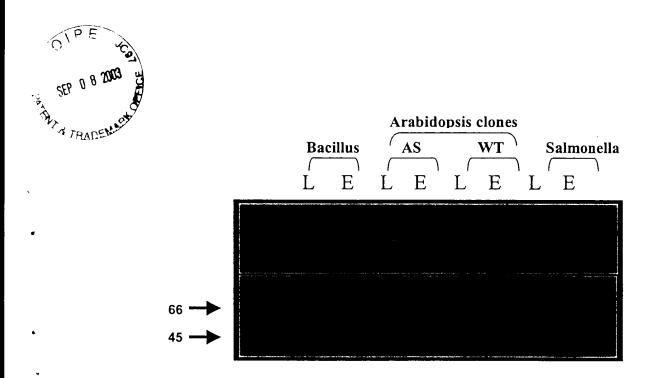


FIG. 7